

1 KEVIN V. RYAN (CSBN 118321)
United States Attorney

2 MARK L. KROTOSKI (CSBN 138549)
3 Chief, Criminal Division

4 STEPHANIE M. HINDS (CSBN 154284)
Assistant United States Attorney

5 450 Golden Gate Avenue, Box 36055
6 San Francisco, California 94102
Telephone: (415) 436-6816
7 Facsimile: (415) 436-6748
email: stephanie.hinds@usdoj.gov

8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 OAKLAND VENUE

12 UNITED STATES OF AMERICA,

13 Plaintiff,

14 v.

15 MISCELLANEOUS MARIJUANA
16 EQUIPMENT,

17 Defendants.
18

No. 06-5683 SBA

19 SETTLEMENT STIPULATION AND
20 ~~PROPOSED~~ FINAL ORDER OF
21 FORFEITURE

22 In full and final settlement of all claims and disputes arising from and related to the captioned
23 forfeiture action, plaintiff United States of America, and claimant Kyle Pullen, hereby stipulate and agree
24 as follows:

25 1. On September 15, 2006, plaintiff filed a civil action seeking forfeiture of a 1999
26 Whisperwatt 70 KW diesel generator, a 2004 Whisperwatt 25 KW diesel generator and a 2000 John
27 Deere skid load ("defendant equipment"). In its complaint, plaintiff sought forfeiture of the defendant
28 equipment, pursuant to Title 21, United States Code, Sections 881(a)(2) and (a)(4), on the ground that
there was probable cause that the equipment was used to facilitate a marijuana cultivation operation, and

pursuant to Section 881(a)(6), on the ground that there was probable cause to believe that the equipment had been purchased with drug proceeds.

2. By this agreement, plaintiff recognizes Kyle Pullen's claim to the defendant skid loader.

3. Kyle Pullen admits that sufficient evidence exists to establish the forfeiture of the defendant generators, pursuant to Title 21, United States Code, Sections 881(a)(2) and (a)(4), and consents to the forfeiture of said generators without further notice to him. Kyle Pullen further relinquishes all right, title and interest in the defendant generators, and agrees that said generators shall be forfeited to the United States and disposed of according to law by the appropriate federal agency.

4. Plaintiff agrees to return the defendant skid loader to Kyle Pullen. Pullen's attorney, Russel J. Clanton, whose business address is 791 Eighth Street, Suite R, Arcata, California 95521, and whose telephone number (707) 825-6587, shall be contacted to facilitate the return of the skid loader to Kyle Pullen.

5. Kyle Pullen, his heirs, representatives and assignees, shall hold harmless the United States, any and all agents, officers, representatives and employees of same, including all federal, state and local enforcement officers, for any and all acts directly or indirectly related to the seizure and forfeiture of the defendant equipment.

6. Each party shall pay its own attorney fees and costs.

Dated: 12/27/06

KEVIN V. RYAN
United States Attorney

STEPHANIE M. HINDS
Assistant United States Attorney

Dated: 12/14/06

RUSSEL J. CLANTON
Attorney for Kyle Pullen

Dated: 12/20/06

KYLE PULLEN
Claimant

PROPOSED FINAL ORDER OF FORFEITURE

Based upon the above stipulation and all pleadings filed herein, the Court finds that plaintiff has met its burden to establish forfeiture of certain defendant property. Accordingly,

IT IS HEREBY ORDERED that the defendant 1999 Whisperwatt 70 KW diesel generator and the defendant 2004 Whisperwatt 25 KW shall be, and hereby are, forfeited to the United States, pursuant to Title 21, United States Code, Sections 881(a)(2) and (a)(4). All right, title and interest in said property is hereby vested in the United States of America.

IT IS FURTHER ORDERED that the defendant 2000 John Deere skid loader shall be returned to Kyle Pullen, facilitated through his attorney Russel J. Clanton, whose business address is 791 Eighth Street, Suite R, Arcata, California 95521, and whose telephone number (707) 825-6587.

IT IS FURTHER ORDERED that Kyle Pullen, his heirs, representatives and assignees, shall hold harmless the United States, any and all agents, officers, representatives and employees of same, including all federal, state and local enforcement officers, for any and all acts directly or indirectly related to the seizure, detention and forfeiture of the defendant equipment.

IT IS FURTHER ORDERED that each party bear its own costs and attorneys fees.

IT IS FURTHER ORDERED that the United States, through the appropriate designated agency, shall dispose of the forfeited property according to law.

IT IS SO ORDERED.

DATED: 1/10/07


SAUNDRA BROWN ARMSTRONG
United States District Judge